

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Job #: 2024827

Attorney: McElroy, Deutsch, Mulvaney & Carpenter, LLP PH: (212) 483-9490  
Address: 225 Liberty Street, 36th Floor New York, NY 10281

Trisura Insurance Company,		Civil Action Number: 23-cv-11053
vs	Plaintiff,	Date Filed:
Bighorn Construction and Reclamation, LLC, et al.,		Client's File No.: T0817-1001
	Defendants.	Court Date:

STATE OF TEXAS, COUNTY OF MIDLAND, SS.:  
Gabriel Ozuna, being sworn says:**AFFIDAVIT OF NON SERVICE**

Deponent is not a party herein; is over the age of 18 years and resides in the State of Texas.

On 01/13/2024, at 4:00 PM at: 4204 S. County Road. 1128, Midland, TX 79706 Deponent non-served the within Summons in a Civil Action, Rider to Summons, Amended Complaint, Civil Cover Sheet, Civil Cover Rider Sheet and Amended or Supplemental Rule 7.1 Statement On: Cole Wayne Johnson, the therein named Defendant.

**#1 INDIVIDUAL**  
By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein.

**#2 SUITABLE AGE PERSON**  
By delivering thereat a true copy of each to , (), a person of suitable age and discretion. Said premises is recipient's:  actual place of business / employment  dwelling house (usual place of abode) within the state.

**#3 AFFIXING TO DOOR**  
By affixing a true copy of each to the door of said premises which is defendants  actual place of business / employment  dwelling house (usual place of abode) within the state. Deponent was unable with due diligence to find defendant or person of suitable age and discretion thereat having called there;

**#4 Corporation or Partnership or Trust or LLC or Entity**  
By delivering thereat a true copy of each to personally. Deponent knew said corporation/partnership/trust/LLC/Entity so served to be the corporation/partnership/trust/LLC/Entity described in said aforementioned document as said defendant and knew said individual to be thereof.

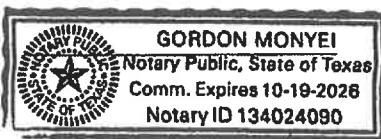
**#5 MAILING**  
On , deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known  Actual Place of Residence  Actual Place of Business, and deposited the envelope in an official depository, personally or via agency, under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.

**#6 DESCRIPTION**  
Sex: Color of skin: Color of hair: Glasses:  
Age: Height: Weight: Other Features:

**#7 MILITARY SERVICE**  
I asked the person spoken to whether defendant was in active military service of the United States or the State of New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated.

**#8 WITNESS FEES**  
Subpoena Fee Tendered in the amount of

**#9 OTHER**  
Also attempted on: 1/12/24, 2:30 PM to locate this address. There is no such street number, 4204 on S. County Road 1128. No further information was found.

Sworn to before me on *1/13/2024*


Gabriel Ozuna  
PSC# 22263



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

TRISURA INSURANCE COMPANY,

Plaintiff,

Index No. 23-cv-11053

-against-

**AFFIDAVIT OF  
ATTEMPTED SERVICE**

BIGHORN CONSTRUCTION AND  
RECLAMATION, LLC, et al.,

Defendants.

X

STATE OF TEXAS )  
S.S.  
COUNTY OF Midland )

**KORY YOUNG**, being duly sworn, deposes and says that he is over the age of eighteen years, is an agent of the attorney service, D.L.S., Inc., and is not a party to this action.

That on the 5th day of March, 2024, at approximately 1:48 pm, deponent attempted to serve a true copy of the **SUMMONS; AMENDED COMPLAINT; CIVIL COVER SHEET; AND AMENDED OR SUPPLEMENTAL RULE 7.1 STATEMENT** upon **COLE WAYNE JOHNSON** at 4204 S. County Rd. 1128, Midland, TX 79706, but deponent was informed by the current homeowner, Eileen, that she purchased the property from Cole Wayne Johnson 3 years ago.

KORY YOUNG  
KORY YOUNG

Sworn to before me this  
6 day of March, 2024

Margarita Palma Tercero  
NOTARY PUBLIC

# 297040

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